

AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF HAMPTON, VIRGINIA, HELD IN THE COUNCIL CHAMBERS, EIGHTH FLOOR, CITY HALL, 22 LINCOLN STREET, ON WEDNESDAY, APRIL 27, 2005, AT 7:30 P.M.

The meeting was called to order by the Mayor, and upon a roll call, the following answered as present: Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Turner M. Spencer, Rhet Tignor, and Ross A. Kearney, II, Mayor.

Interim City Manager Jesse T. Wallace and City Attorney A. Paul Burton were also present.

The invocation was given by Councilman Randall A. Gilliland, followed by the Pledge of Allegiance to the Flag, presented by the Police Division Honor Guard and Color Guards from Bethel, Hampton, Kecoughtan and Phoebus High Schools.

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Consent Agenda

On motion of Councilwoman Leary, seconded by Councilman Sapp, that items 1 through 8 on the Consent Agenda be approved as follows:

1. **05-0248**: Minutes for the three (3) budget retreat meetings of March 2, March 15, and April 6, 2005; and minutes for the special and regular meetings held April 13, 2005.
2. **05-0230**: Resolution approving FY05 Third Quarter Budget Adjustments.
3. **05-0228**: Request for refunds of erroneous tax assessments.
4. **05-0231**: Resolution authorizing the Interim City Manager or his designee to proceed with purchase transaction for acquisition of property known as 41 Barrack Street, from Terry G. Mason, Sr., and Walter B. Wilson, Jr.
5. **05-0232**: Resolution authorizing City Staff to proceed with condemnation action to acquire the necessary right-of-way for the extension of Commander Shepard Boulevard on property owned by Murray B. Howell, Edwin A. Joseph, Edwin C. Tison and Nancy C. Tison, his wife.
6. **05-0233**: Resolution approving the City of Hampton, Virginia's Participation and Appropriation of Funds for the 2005 Summer Food Service Program for Children Received from the U. S. Department of Agriculture.
7. **05-0234**: Agreement for 2005 Langley Air Force Base Aerial Spray Operation for Mosquito Control and Authorization for the Interim City Manager and the Clerk of Council to sign the Agreement.
8. **05-0247**: Addendum to Lease between Cousteau Society and the City.

A roll call vote on the motion resulted as follows:

Ayes: Gilliland, Leary, Sapp, JSpencer, TSpencer, Tignor, Kearney

Nays: 0

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The following is the resolution for Consent Item #2, 05-0230:

RESOLUTION

BE IT RESOLVED by the City Council of the City of Hampton, Virginia that the attached third quarter budget adjustments pertaining to fiscal year 2005 be approved.

Below are the adjustments attached to the resolution:

FY05 THIRD QUARTER BUDGET ADJUSTMENTS FOR COUNCIL ACTION

General Fund

<u>Department</u>	<u>Change</u>	<u>Comments</u>
City Attorney		
Personal Services	40,000.00	Transfer from Economic Development the salary required for the remainder of the fiscal year of an attorney position and related operating costs associated with the new economic development initiative.
Operating Expenses	0.00	
Capital Outlay	0.00	
Total	40,000.00	
Citizens' Unity Commission		
Personal Services	0.00	Transfer to Recreation Division to cover the purchase of supplies for the Sunrise Unity event.
Operating Expenses	(196.03)	
Capital Outlay	0.00	
Total	(196.03)	
City Treasurer		
Personal Services	0.00	Transfer from Contingency Reserve to fund partial restoration of state budget cuts.
Operating Expenses	29,840.00	
Capital Outlay	0.00	
Total	29,840.00	
Consolidated Procurement		
Personal Services	0.00	Transfer from Contingency Reserve to fund the increased costs of bid advertisements in minority newspapers.
Operating Expenses	2,300.00	
Capital Outlay	0.00	

Total 2,300.00

General District Court

Personal Services	0.00	Transfer from Contingency Reserve to fund the cost of court appointed attorneys for the indigent.
Operating Expenses	15,000.00	
Capital Outlay	<u>0.00</u>	
Total	15,000.00	

Clerk of the Circuit Court

Personal Services	0.00	Transfer from Contingency Reserve funds collected from copy machine usage back to the department's budget to cover expenses related to microfiche and copying. Funds were deposited into a revenue account.
Operating Expenses	15,000.00	
Capital Outlay	<u>0.00</u>	
Total	15,000.00	

Commonwealth's Attorney

Personal Services	0.00	Transfer from Contingency Reserve to fund equipment purchase approved by State Compensation Board.
Operating Expenses	0.00	
Capital Outlay	<u>8,430.00</u>	
Total	8,430.00	

City Sheriff/Jail

Personal Services	0.00	Transfer from City Sheriff to cover operating expenses.
Operating Expenses	15,000.00	
Capital Outlay	<u>0.00</u>	
Total	15,000.00	

City Sheriff

Personal Services	0.00	Transfer to City Sheriff/Jail to cover operating expenses.
Operating Expenses	(15,000.00)	
Capital Outlay	<u>0.00</u>	
Total	(15,000.00)	

Codes Compliance

Personal Services	14,250.00	Transfer from Public Works - Administration the salary of a staff technician position to Codes Compliance to assist with street right-of-way issues.
Operating Expenses	0.00	
Capital Outlay	<u>0.00</u>	
Total	14,250.00	

Public Works - Administration

Personal Services	(14,250.00)	Net effect of a transfer to Public Works - Administration
Operating Expenses	0.00	to cover the salary of a staff technician position to assist
Capital Outlay	<u>6,000.00</u>	with street right-of-way issues and from Facilities Manage-
Total	(8,250.00)	ment to fund capital outlay expenses.
Facilities Management		
Personal Services	0.00	Transfer to Public Works - Administration to fund capital
Operating Expenses	0.00	outlay expenses.
Capital Outlay	<u>(6,000.00)</u>	
Total	(6,000.00)	
Social Services - Administration		
Personal Services	(249,000.00)	Transfer to Social Services - Purchase of Services to cover
Operating Expenses	(103,000.00)	encumbered day care and employment services costs
Capital Outlay	<u>0.00</u>	and to meet the obligated cost of operating expenses
Total	(352,000.00)	for the Employment Program.
Social Services - Employment Services		
Personal Services	(8,000.00)	Net effect of a transfer to Social Services - Purchase of
Operating Expenses	24,022.00	Services to cover the encumbered cost of day care and
Capital Outlay	<u>0.00</u>	employment services and from Social Services - VISTA
Total	16,022.00	to reappropriate unspent funds designated for the Virginia
		Institute for Social Services Training and the Virginia
		Initiatives for Employment not Welfare Program.
Social Services - Public Assistance		
Personal Services	0.00	Transfer to Social Services - Purchase of Services to clear
Operating Expenses	(29,800.00)	credit balances in the Disabled Auxiliary Grant Program
Capital Outlay	<u>0.00</u>	and operating expenses for the "At Risk" Day Care program.
Total	(29,800.00)	
Social Services - Purchase of Services		
Personal Services	0.00	Transfer from Social Services - Administration to cover
Operating Expenses	470,183.00	operating expenses for the "At Risk" Day Care program
Capital Outlay	<u>0.00</u>	and the employment services programs; from Social
Total	470,183.00	Services - Employment Services to cover the encumbered

cost of day care and employment services; from Social Services - Public Assistance to clear credit balances in the the Disabled Auxiliary Grant Program and "At Risk" Day Care program; from Social Services - VISTA to re-appropriate unspent funds designated for the Virginia Institute for Social Services Training and the Virginia Initiatives for Employment not Welfare Program; and from Social Services - Food Stamps to cover the cost of part-time staff and encumbered day care services.

Social Services - VISTA

Personal Services	0.00
Operating Expenses	(84,405.00)
Capital Outlay	<u>0.00</u>
Total	(84,405.00)

Transfer to Social Services - Employment Services and Purchase of Services to reappropriate unspent funds designated for the Virginia Institute for Social Services Training and the Virginia Initiatives for Employment not Welfare Program.

Social Services - Food Stamps

Personal Services	(15,000.00)
Operating Expenses	0.00
Capital Outlay	<u>0.00</u>
Total	(15,000.00)

Transfer to Social Services - Purchase of Services to cover the cost of part-time staff and cost of encumbered day care services.

Healthy Families Partnership

Personal Services	0.00
Operating Expenses	500.00
Capital Outlay	<u>0.00</u>
Total	500.00

Transfer from the Public Library to cover the cost of background checks on volunteer tutors at the Public Library.

Coalition for Youth

Personal Services	0.00
Operating Expenses	(2,500.00)
Capital Outlay	<u>0.00</u>
Total	(2,500.00)

Transfer to Recreation Division the cost of a sponsorship for the 2005 International Children's Festival.

Recreation Division

Personal Services	0.00
Operating Expenses	3,449.03
Capital Outlay	<u>0.00</u>

Transfer from Citizens' Unity Commission to fund supplies purchased for the Sunrise Unity Celebration; from Neighborhood Services to fund advertisement layout in Happenings

Total	3,449.03	Magazine; from the Planning Department to cover cost of professional services rendered during staff retreat; and from Coalition for Youth the cost of a sponsorship for the 2005 International Children's Festival.
Public Library		
Personal Services	0.00	
Operating Expenses	(500.00)	Transfer to Healthy Families Partnership to fund back-ground checks on volunteer tutors at the Public Library.
Capital Outlay	0.00	
Total	(500.00)	
Planning Department		
Personal Services	49,000.00	
Operating Expenses	4,832.00	Net effect of the transfer from Economic Development the salary of an architect position and to fund site plan work to be conducted on the former Sam's Restaurant site.
Capital Outlay	0.00	
Total	53,832.00	Transfer to Recreation Division the cost of professional services rendered for a staff retreat.
Economic Development		
Personal Services	(89,000.00)	
Operating Expenses	(5,000.00)	Transfer to the City Attorney the salary of an attorney position and related operating costs associated with the new economic development initiative and to the Planning Department the salary of an architect position and to fund site plan work to be conducted on the former Sam's Restaurant site.
Capital Outlay	0.00	
Total	(94,000.00)	
Neighborhood Services		
Personal Services	0.00	
Operating Expenses	(921.00)	Transfer to Recreation Division to fund advertisement layout in Happenings Magazine and to Convention and Visitor Bureau to fund the cost of advertisement for a city event.
Capital Outlay	0.00	
Total	(921.00)	
Convention and Visitor Bureau		
Personal Services	0.00	
Operating Expenses	336.00	Transfer from Neighborhood Office to fund cost of advertisement for a city event.
Capital Outlay	0.00	
Total	336.00	
Retirement and Employee		

Benefits		
Personal Services	(5,000.00)	Transfer to Social Services - Administration to fund over-time paid for food stamps disaster investigation of city employees.
Operating Expenses	0.00	
Capital Outlay	0.00	
Total	(5,000.00)	
Contingency Reserve		
Personal Services	0.00	Transfer to Consolidated Procurement to fund bid advertisements in minority newspapers; to General District Court to fund attorney fees for the indigent; to Commonwealth's Attorney to fund the city's share of equipment purchase approved by the State Compensation Board; and to Clerk of the Circuit Court funds that have been collected from copy machine usage back to department to cover expenses related to microfiche and copying.
Operating Expenses	(70,570.00)	
Capital Outlay	0.00	
Total	(70,570.00)	
Grand Total		0.00

**FY05 THIRD QUARTER BUDGET ADJUSTMENTS FOR
COUNCIL ACTION**

Capital Budget

<u>Department</u>	<u>Change</u>	<u>Comments</u>
Transfer from:		
Big Bethel Road Widening	\$(30,000.00)	Transfer to I-664 Armistead Avenue Connector project to fund land purchase.
VDOT Matching Funds	(16,606.24)	Transfer to fund the city's share of VDOT projects at Pembroke Ave./River St./Barron St., Ft. Monroe and Mercury Boulevard, Hampton Harbour, Magruder Boulevard, Fox Hill and Woodland Road, and I-664 Armistead Avenue Connector.
Infrastructure Maintenance	(1,220.26)	Transfer to I-664 Armistead Avenue Connector remaining costs for land purchase.
Contingency Reserve (Bond)	(50.01)	Transfer to School Technology to cover credit balance in account.
Grand Total	<u><u>\$(47,876.51)</u></u>	
Transfer to:		
Armistead Avenue Connector	\$ 43,220.26	Transfer from completed projects to fund land purchase related to the Armistead Avenue Connector project.
Magruder Boulevard	2,010.00	Transfer city's share to fund roadway/parkway improvements at Magruder Boulevard and Hardy Cash Drive.

Fox Hill Road//Woodland Road	1,640.00	Transfer city's share to fund temporary construction easement for Fox Hill Road project.
Hampton Harbour	400.00	Transfer city's share to fund the installation of a new traffic light (by the entrance to Hampton University).
Mercury Blvd and Fox Hill Road	0.01	Transfer city's share to cover negative balance for this completed project.
Transfer to:		
Pembroke Ave./River St./Barron St.	556.23	Transfer city's share to fund expenses for this completed project.
School Technology	50.01	Transfer to cover credit balance in account.
Grand Total	\$ 47,876.51	

**FY05 THIRD QUARTER BUDGET ADJUSTMENTS FOR
COUNCIL ACTION**

Stormwater Fund

<u>Department</u>	<u>Change</u>	<u>Comments</u>
Finance Department		
Personal Services	(16,300.00)	Transfer to the Parks Division and Non-departmental to cover Stormwater operational expenses.
Operating Expenses	0.00	
Capital Outlay	<u>0.00</u>	
Total	(16,300.00)	
Public Works - Administration		
Personal Services	0.00	Transfer from Non-departmental to cover insurance expenses.
Operating Expenses	795.00	
Capital Outlay	<u>0.00</u>	
Total	795.00	
Public Works - Streets and Roads		
Personal Services	0.00	Transfer from Non-departmental to cover insurance expenses.
Operating Expenses	795.00	
Capital Outlay	<u>0.00</u>	
Total	795.00	
Parks and Recreation		
Personal Services	0.00	Transfer from the Finance Department to cover Stormwater operational costs.
Operating Expenses	4,500.00	
Capital Outlay	<u>0.00</u>	
Total	4,500.00	
Non-departmental		
Personal Services	11,800.00	Net effect of a transfer from the Finance Department to cover Stormwater operational
Operating Expenses	(1,590.00)	

Capital Outlay	<u>0.00</u>	costs and to Public Works - Administration and
Total	10,210.00	and Streets and Roads to cover insurance expenses.

Grand Total	<u><u>0.00</u></u>
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**FY05 THIRD QUARTER BUDGET ADJUSTMENTS FOR
COUNCIL ACTION**

**Appropriation of New Revenues
General Fund**

Increase Revenues:

Fund Balance	390,890.00	Appropriation of additional revenues for the after-school program and recreational fees. These revenues are appropriated in the General Fund and will go to Fund Balance at fiscal year end.
Total	<u><u>390,890.00</u></u>	

Appropriate To:

Recreation Division	
Personal Services	390,890.00
Operating Expenses	0.00
Capital Outlay	<u>0.00</u>
Total	<u><u>390,890.00</u></u>

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The following are the erroneous tax assessments for Consent Agenda Item 3

Tax Year 2004

\$68.77 Hawkins, Burcher, & Boester P.C.
Real Estate Trust Account 3
P. O. Box Drawer A
Hampton, VA 23669

Tax Year 2005

\$17.17 Gregory B. Blanchard PC
4 West Queens Way
Hampton, VA 23669

\$74.67 Gregory B. Blanchard PC
47 West Queens Way
Hampton, VA 23669

\$12.29 Gregory B. Blanchard PC
47 West Queens Way
Hampton, VA 23669

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The following is the resolution for Consent Agenda Item 4

RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER OR HIS DESIGNEE TO PROCEED WITH PURCHASE TRANSACTION FOR ACQUISITION OF PROPERTY KNOWN AS 41 BARRACK STREET, FROM TERRY G. MASON, SR., AND WALTER B. WILSON, JR.

WHEREAS, staff obtained a contract for the City of Hampton to purchase 41 Barrack from Terry G. Mason, Sr., and Walter B. Wilson, Jr.; and

WHEREAS, 41 Barrack Street is a residential property consisting of 16,730 square feet of land improved with a 652 square foot one-story dwelling and storage building; and

WHEREAS, the aforesaid property is being acquired as part of the Crossroads Redevelopment Project for assemblage and development of additional Coliseum Complex surface parking; and

WHEREAS, the contract price is deemed fair and reasonable, the terms of the contract are acceptable, and acquisition money will come from the CIP Fund – Crossroads Parking and it is in the public interest to acquire the property; and

WHEREAS, the aforesaid property is currently vacant and Seller desires to close this transaction by April 29, 2005 but has acknowledged a more realistic target date of May 20, 2005; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Hampton, Virginia: that the aforesaid property purchase contract is hereby approved and that all necessary closing documents may be executed by the City Manager or his designee.

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The following is the resolution for Consent Agenda Item 5

RESOLUTION AUTHORIZING CITY STAFF TO PROCEED WITH CONDEMNATION ACTION TO ACQUIRE THE NECESSARY RIGHT OF WAY FOR THE EXTENSION OF COMMANDER SHEPARD BOULEVARD ON PROPERTY OWNED BY MURRAY B. HOWELL, EDWIN A. JOSEPH, EDWIN C. TISON AND NANCY C. TISON, HIS WIFE.

WHEREAS, the Council of the City of Hampton deems it necessary to acquire right-of-way, located at the Southeast corner of Magruder and Commander Shepard Boulevard from Murray B. Howell, Edwin A. Joseph, Edwin C. Tison and Nancy C. Tison; and

WHEREAS, aforesaid right-of-way consisting of 6.7917 acres, more or less, will be required for the Commander Shepard Boulevard road extension project to construct a new roadway and reconfigure the interchange at Magruder Boulevard to improve Hampton Roads Center business park access, traffic circulation, and safety; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Hampton, Virginia: that it deems it necessary to acquire 6.7917 acres, more or less, of right-of-way by negotiation or condemnation for the public purposes set out above.

NOW THEREFORE, BE IT FURTHER RESOLVED, that the City Attorney is hereby authorized and directed to further negotiate and institute condemnation proceedings as authorized by the Code of Virginia of 1950, as amended, for the acquisition of the above described right-of-way from property owned by Murray B. Howell, Edwin A. Joseph, Edwin C. Tison and Nancy C. Tison. Nothing in this resolution shall be construed as preventing the City Attorney and/or Interim City Manager or his designee to negotiate for the purchase of the said right-of-way at a private sale should the owners agree to sell at the price offered by the City.

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The following is the resolution for Consent Agenda Item 6

RESOLUTION APPORVING THE CITY OF HAMPTON, VIRGINIA'S PARTICIPATION AND APPROPRIATION OF FUNDS FOR THE 2005 SUMMER FOOD SERVICE PROGRAM FOR CHILDREN RECEIVED FROM THE U.S. DEPARTMENT OF AGRICULTURE.

WHEREAS, the City of Hampton has applied for the USDA Summer Food Service Program for children grant from the U. S. Department of Agriculture for \$177,520 in federal funds; and

WHEREAS, participation in the Summer Food Program fluctuates, either decreasing or increasing the final award amount; and

WHEREAS, the grant application covers the period June 22, 2005 through August 26, 2005;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hampton accepts and appropriates the USDA Summer Food Service Program for Children grant in the amount of \$177,520 and any related supplemental funding made by the U. S. Department of Agriculture in accordance with the grant agreement.

BE IT FURTHER RESOLVED that the City Council authorizes the City Manager to take the necessary steps to implement this grant award.

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05-0136: Presentation – International Children's Festival

Councilman Turner Spencer and Councilman Tignor presented the 5-Year Awards to representatives for Italy, Greece and Mexico, three of four countries that have been a part of

the International Children's Festival since its inception (Ireland was not represented). Ms. Susan Yungbluth accepted the award on behalf of the Sons of Italy, the Peninsula Italian-American Lodge in Newport News, stating we enjoy sharing our culture with the children and enjoy working with the Hampton Coalition for Youth.

Ms. Cindy Carlson stated that the Hampton Coalition for Youth is being recognized tonight for supporting the International Children's Festival and we are happy to contribute to this festival and that it contributes to the healthy development of young people and their cultural awareness. She stated that the real thanks belong to Hampton Parks and Recreation.

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05-0227: Proclamation for National Military Appreciation Month

Councilman Sapp read the proclamations proclaiming May 1 – June 14, 2005, as National Military Appreciation Month in the City of Hampton and presented them to Col. Frank Gorenc, Commander, 1st Fighter Wing, Langley Air Force Base and Col. Perry Allmendinger, Commanding Officer, HQ, Ft. Monroe. Col. Allmendinger praised the City of Hampton for the support provided to the military and stated that it has never waived. Col. Gorenc expressed his thanks to the City and invited the citizens of Hampton to the Air show on May 13 – 15.

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05-0264: Proclamation for Remote and Waiting Military Spouses Day

Councilwoman Leary read the proclamation proclaiming May 21, 2005 as The Remote and Waiting Military Spouses Day in the City of Hampton and presented it to Mrs. Peggy Mertz, President of the Remote and Waiting Military Spouses of the Peninsula. Ms. Mertz stated that it was an honor to accept the proclamation on behalf of Remote and Waiting Military Spouses of the Peninsula.

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05-0225: Proclamation for Public Service Recognition Week

Vice Mayor Joseph Spencer read the proclamation proclaiming May 2 – 8, 2005 as Public Service Recognition Week in the City of Hampton and presented the proclamation to Pam Graham, Project Coordinator for the City Manager's Office. Ms. Graham thanked Council for the proclamation on behalf of all City employees and recognized Senator Mamie Locke who expressed appreciation for the acknowledgement of public service.

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05- 0226: Proclamation recognizing employee for Public Service Recognition Week

Councilman Tignor read and presented the proclamation to Patrick Ray, Drainage Maintenance Supervisor in the Public Works Department. Councilman Tignor stated that often we don't see some of employees who make this City function and it is an honor to recognize Mr. Ray. Mr. Ray stated that it was an honor to receive the award, and that he was just one of many City employees who probably deserve this recognition.

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05-0223: Proclamation for Police Memorial Week

Councilman Gilliland read the proclamation proclaiming May 15 – 21, 2005, as Police Memorial Week in the City of Hampton and presented it to Maj. R. V. Davis, Commander in the Administrative Branch of the Police Division. Maj. Davis accepted the proclamation on behalf of Chief Jordan and the fine men and women of the Hampton Police Division.

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05-0250: Proclamation for Neighborhood Month

Vice Mayor Joseph Spencer read the proclamation proclaiming May 2005, as Neighborhood Month in the City of Hampton and presented it to Jack Hall, Neighborhood Commissioner. Ms. Sabrina Jones, Neighborhood Associate, announced Miss Kelsey Callahan as the winner of the Neighborhood Month Essay Contest and she read her award winning essay. Mr. Jack Hall stated that it is an honor to accept the proclamation on behalf of the Neighborhood Commission and the Neighborhood Office. He thanked Council for supporting these activities and invited Council to attend the parade and fair in Fox Hill on May 7, 2005.

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05-0249: Proposed Virginia Code amendments regarding carrying of firearms

The Interim City Manager stated that Councilwoman Leary requested that the City Attorney send a letter to our State Delegate and Senators. The City Attorney stated that at the request of Councilwoman Leary, he drafted an appropriate motion that we send to our delegates dealing with concealed weapons and carrying loaded firearms in public places. The verbiage would amend the appropriate sections to (a) amend the concealed weapons statute (Virginia Code Section 18.2-308) to provide that concealed weapons may not be carried where alcoholic beverages are sold in a designated area such as events like Hampton Bay Days, etc., to provide the same protection the statute currently grants by prohibiting the carrying of a concealed weapon onto the premises of a restaurant or club where alcoholic beverages are sold; and (b) amend Virginia Code Section 18.2-287, regarding the carrying of loaded firearms in public areas, to include the City of Hampton within its coverage.

In response to questions posed by Council, the City Attorney stated that when the State of Virginia adopted the statute, it allowed jurisdictions of 160,000 or more to prevent the carrying of loaded firearms, but the population of the City of Hampton is just below that and this statute would be amended to include the City of Hampton.

On motion of Councilman Turner Spencer seconded, by Councilwoman Leary that the City Attorney be authorized to send a letter to State Delegates and Senators requesting them to (a) amend the concealed weapons statutes (Virginia Code Section 18.2-308) to provide that a concealed weapon may not be carried where alcoholic beverages are sold in a designated area such as events like Hampton's Bay Days, etc., which would provide the same protection the statute currently grants by prohibiting the carrying of a concealed weapon onto the premises of a restaurant or club where alcoholic beverages are sold; and (b) amend Virginia Code Section 18.2-287, regarding the carrying of loaded firearms in public areas to include the City of Hampton within its coverage.

A roll call vote on the motion resulted as follows:

Ayes: Gilliland, Leary, Sapp, JSpencer, TSpencer, Tignor, Kearney

Nays: 0

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05-0251: Rezoning Application No. 1199

At a public hearing in consideration on second and final reading of Rezoning Application No. 1199 by Michael H. Nuckols to amend proffers of Rezoning Case #1052 for 9± acres at 5 Libby Street and 108 Carnegie Street. The property is zoned Limited Commercial District (C-2) with conditions and allows hotel, office and retail uses. The 2010 Comprehensive Plan recommends public/semipublic uses for this area.

No one appeared before Council to oppose this rezoning application.

On motion of Vice Mayor Joseph Spencer seconded, by Councilman Turner Spencer, that the above-described property in Rezoning Application No. 1199 by Michael H. Nuckols to amend proffers of Rezoning Case #1052 for 9± acres at 5 Libby Street and 108 Carnegie Street be amended as approved on first reading to adopt the eleven (11) conditions:

1. Permitted uses shall be limited to hotels, motels and/or restaurants.
2. Regardless of use, the requirements of proffered conditions #3-7 shall be applied to the site as an entirety and not to individual parcels that may be created from the site by subdivision, ground lease, condominium, or other legally recognized form of ownership or interest. The development of the site may be phased with each phase subject to the following conditions:
3. Existing billboards on the property shall be removed.

4. An opaque privacy fence six feet (6') in height shall be constructed along any property line that abuts residentially-developed property. Fencing shall be consistent with primary building materials in terms of style and materials. Chain-link fences of any type are not permissible.
5. A landscape plan shall be approved by the Planning Director prior to formal landscape plan submittal. Approval shall be contingent upon the following:
 - a. A minimum of twenty percent (20%) of the site shall be retained as open green area inclusive of stipulated buffer area and any storm water retention ponds on the site.
 - b. A minimum of fourteen percent (14%) of the parking area shall be green area which shall also qualify as part of the required twenty percent (20%) green area requirement.
 - c. Two (2) trees shall be required for every four hundred (400) square feet of the required green area.
 - d. Landscaping materials, scale, and concepts should be consistent throughout the site.
6. Retention ponds, if used for stormwater management, shall be designed to serve dual functions to moderate the effect of stormwater runoff on downstream facilities and the environment. The use of detention ponds for stormwater management is prohibited. Alternative mechanisms to manage stormwater may be pursued including the use of off-site features contingent upon approval by affected property owners. Retention ponds shall act as an on-site amenity via use of aerators or other features comparable to Hampton Roads Center or the Sentara Careplex facility.
7. A landscape buffer area a minimum of ten feet (10') in width, which shall not consist of just grassy areas but may consist of grassy areas with trees and/or shrubs or groupings of trees and/or shrubs consistent with the landscape requirements set forth in condition 5 above, shall be maintained along all boundaries other than the entrance area along Libby Street, areas encompassed by utility easements and other areas where, in the reasonable discretion of the Planning Director, the configuration of the Property does not allow for same.
8. The maximum gross floor area of each floor of any building shall not exceed 50,000 square feet. Single uses within any freestanding building on any parcel (other than those that are ancillary to a permitted hotel and/or motel use) shall have a minimum gross floor area of 3,000 square feet.

9. A conceptual site plan shall be approved by the Planning Director prior to formal site plan submittal. Approval shall be contingent upon the following:
 - a. Loading docks, trash collections, and similar facilities and functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent residential properties and public streets. Screening materials shall be of a type and quality consistent with the principal materials of the building and landscape. No delivery, loading, trash removal or similar operations are permitted between the hours of 10:00 p.m. and 7:00 a.m., except for emergencies or with the prior permission of the Director of Codes Compliance (Zoning) and steps are taken to minimize noise and impacts to adjacent properties.
 - b. Sidewalks shall be provided along any façade featuring a customer entrance or exist and along any façade abutting public parking areas. Such sidewalks shall be located at least six feet from the façade of the building to provide planting beds for foundation landscaping.
10. A sign package shall be approved by the Planning Director prior to submittal of sign permit application. The Planning Director shall consider the following:
 - a. Coordination of materials in a manner that complements approved building elevations in style, materials and colors.
 - b. Coordination of location of signs on building elevations.
11. Building elevations shall be approved by the Planning Director prior to submittal of a building permit application. Approval shall be contingent upon the following:
 - a. Development shall, at a minimum, satisfy a level of quality represented by the attached elevations representing the respective uses.
 - b. Building shall be compatible in terms of scale, height, design, materials, and color schemes.
 - c. Predominant exterior building material must be of high quality, such as brick, wood, sandstone, other native stone and integral color/textured concrete masonry units. Smooth-faced concrete block, tilt-up concrete panels, vinyl siding, or prefabricated steel panels are prohibited as the predominant

exterior building material. Roofing materials shall consist of architectural/dimensional shingles or standing seam metal.

A roll call vote on the motion resulted as follows:

Ayes: Gilliland, Leary, Sapp, JSpencer, TSpencer, Tignor, Kearney

Nays: 0

On motion of Vice Mayor Joseph Spencer, seconded by Councilman Turner Spencer, that the above-described property in Rezoning Application No. 1199 by Michael H. Nuckols to amend proffers of Rezoning Case #1052 for 9± Libby Street and 108 Carnegie Street be approved on second and final reading as amended.

A roll call vote on the motion resulted as follows:

Ayes: Gilliland, Leary, Sapp, JSpencer, TSpencer, Tignor, Kearney

Nays: 0

* * *

05-0252: Rezoning Application No. 1200

At a public hearing in consideration on second and final reading of Rezoning Application No. 1200 by K. Scott Roberts to amend proffers of Rezoning Case #1188 for 0.46± acre at 1810 E. Pembroke Avenue, zoned Neighborhood Commercial District (C-1). The Buckroe Neighborhood Plan, an addendum to the 2010 Comprehensive Plan, recommends residential transition uses for this general area. C-1 zoning allows a mix of retail sales of convenience goods, personal services, multi-family, and offices.

No one appeared before Council to oppose the rezoning application.

On motion of Councilman Tignor, seconded by Councilman Turner Spencer, that the above-described property in the Rezoning Application No. 1200 by K. Scott Roberts to amend proffers of Rezoning Case No.1188 for 0.46± acre at 1810 E. Pembroke Avenue be approved on second and final reading, subject to the following five (5) conditions:

1. A proposed flower shop consisting of a combination of building materials such as brick veneer, wood siding, cement board, EIFS and/or similar/compatible materials with fiberglass shingles or metal roof.
2. A 6-foot tall wooden or PVC privacy fence will be provided adjacent to the abutting properties on Marion Road and Ford Road along the southerly boundary of the property. The area along the north side of the fence will be landscaped.
3. Required site lighting will be selected and installed to redirect lighting inward to the site and away from the residences to the south of the property.
4. The development of the property will be substantial in conformance

with the conceptual plan prepared by T.J. Savage dated October 21, 2004, and submitted with this application.

5. Permitted uses shall include those uses permitted in the C-1 District (Neighborhood Commercial District) and all other uses described in Chapter 11 except:

- MD-T residential uses
- Public or private automobile parking lots
- Baths, Turkish or massage parlors
- Gasoline supply stations
- Marine supplies; pleasure crafts
- Promotional events
- Taxicab offices
- Commercial communication tower/antenna
- Mobile/manufactured home parks and subdivisions
- Motels
- Hotels
- Rooming houses
- Adult day cares
- Day cares 1, 2 and 3
- Detention facilities
- Group homes
- Halfway houses
- Juvenile residences
- Orphanages
- Shelters and/or tourist homes

A roll call vote on the motion resulted as follows:

Ayes: Gilliland, Leary, Sapp, JSpencer, TSpencer, Tignor, Kearney

Nays: 0

* * *

05-0254: Rezoning Application No. 1201

At a public hearing in consideration on second and final reading of Rezoning Application No. 1201 by Old Point National Bank to amend the proffers of Rezoning Case No. 1078 to permit a drive-up automated teller machine (ATM) on a 0.27+ acre parcel at 357 Woodland Road that is zoned Neighborhood Commercial District (C-1). The 2010 Comprehensive Plan recommends commercial mixed use in this area. C-1 zoning allows for a mix of retail sales of convenience goods, personal services, multi-family housing, and offices.

In response to a question regarding the potential for conflict of interest, the City Attorney stated that Council members could vote as long as they disclose any financial interests in the applicant. The following Council members disclosed interests in Old Point National Bank: Mayor Kearney, stockholder; Vice Mayor Joseph Spencer, a line of credit; Councilman Gilliland,

checking accounts and current loan; Councilwoman Leary, checking accounts; Councilman Tignor, a stockholder.

No one appeared before Council to oppose the rezoning application.

On motion of Councilwoman Leary, seconded by Councilman Turner Spencer, that the above-described property in the Rezoning Application #1201 by Old Point National Bank to amend proffers of Rezoning Case No. 1078 to permit a drive-up automated teller machine (ATM) on 0.27± acre parcel at 357 Woodland Road to be approved on second and final reading, subject to the following seven (7) conditions:

1. Development of the subject property shall substantially conform to the accompanying conceptual plan prepared by Coenen & Associates, dated March 16, 1998.
2. Use of the subject property shall be limited to banking and other financial services, as well as associated and/or accessory uses such as, but not limited to, parking and driveways.
3. All lighting on the subject shall be directed inward and away from adjoining residential properties and roadways.
4. A landscaped buffer shall be maintained along the northerly property line having a width of at least 12 feet. New plant material within the landscaped buffer shall be installed within six (6) months after obtaining rezoning approval.
5. Applicant will attempt to retain the large magnolia tree and live oak tree along the northern property line.
6. Along the westerly property line, a chain link fence with privacy slates will be installed similar to the existing chain link fence along the rear of the applicant's property.
7. Along the northerly property line a privacy fence constructed of wood, or an alternate material, shall be installed from the rear or west of the northerly property line and extending toward Woodland Road as far as permitted by applicable codes. A chain link fence shall not be permitted along the northerly property

A roll call vote on the motion resulted as follows:

Ayes: Gilliland, Leary, Sapp, JSpencer, TSpencer, Tignor, Kearney

Nays: 0

* * *

05-0255: Ordinance – Federal Area Development Authority

In consideration on first reading of the following-titled ordinance:

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 2-290, ARTICLE XII, OF THE CODE OF THE CITY OF HAMPTON, VIRGINIA, BY CREATING A NEW ARTICLE I, TITLED "FEDERAL AREA DEVELOPMENT AUTHORITY"

The Interim City Manager stated that as part of the 2005 General Assembly session, the City gained the ability to form a special authority to facilitate development of federal facilities in the City of Hampton. The City requested this because of the current preference of federal agencies to facilitate new construction through public/private partnership. The authority is designated to meet the needs of the federal facilities.

Mayor Kearney stated that this authority allows the City to aid in any way the military bases, or federal properties in the City of Hampton, which includes the Veterans Administration, Fort Monroe, Langley Air Force Base and NASA Langley. Mayor Kearney thanked the Interim City Manager and Brian DeProfio, Assistant to the City Manager, for the work they did in preparing this and special thanks to State Senator Mamie Locke, Delegates Jeion A. Ward and Mamye BaCote for pushing this through.

No one appeared before Council to be heard.

On motion of Vice Mayor Joseph Spencer, seconded by Councilman Gilliland, that the above-titled ordinance to amend and re-enact Section 2-290, Article XII of the Code of the City of Hampton, Virginia by creating a new Article I, title "Federal Area Development Authority" be approved on first reading.

A roll call vote on the motion resulted as follows:

Ayes: Gilliland, Leary, Sapp, JSpencer, TSpencer, Tignor, Kearney

Nays: 0

* * *

05-0257: Ordinance – Fire Prevention and Protection

At a public hearing in consideration on first reading of the following-titled ordinance:

ORDINANCE TO AMEND AND RE-ENACT ARTICLE 1, CHAPTER 14, OF THE CODE OF THE CITY OF HAMPTON, VIRGINIA, ENTITLED "FIRE PREVENTION AND PROTECTION," SECTION 14-10, "SERVICE FEES FOR EMERGENCY AMBULANCE TRANSPORT" TO INCREASE SERVICE FEES, IMPOSE GROUND TRANSPORTATION MILEAGE FEE, AND PROVIDE FOR WAIVER OF INSURANCE CO-PAYMENTS.

Ms. Mary Bunting, Assistant City Manager, presented Council with the following Emergency Medical Service (EMS) information:

Current EMS Recovery Fee

EMS recovery fees were implemented in the FY 04 budget

Primary goal to collect insurance dollars available for ambulance transport

Medicare sets standards

We have been collecting revenue since December 1, 2003

Estimate annual return is \$1.2 million

All funds support the Fire & EMS Division

Current Fee Schedule & Approach

Rates adopted May 2003, as part of FY 04 budget development process
Rates approved based on common industry practices
Council adopted "subscription program" – provided residents with once per year \$48 fee
Council set policy not to aggressively seek co-payments

Medicare Rate Change – Window of Opportunity

Window of opportunity extends until 12/31/05 to adjust ambulance service rates
Common industry practice rates are much higher than our current charges
City has opportunity to adjust rates only during this Medicare window of opportunity

Issues for Consideration

Provisions in Medicare laws allow us to waive co-payments and deductibles for Hampton residents
Allow us to maximize reimbursements without increasing out of pocket expenses
Considerable revenue to support Fire & EMS – raised through changes in our EMS recovery fees

- Mileage charges based on 12/1/03-11/20/04 – approximately \$234,000 additional revenue
- Current collection rates on proposed charges could produce additional \$1.5 - \$1.8 million of revenue
- Reduce burden on Hampton taxpayer

Potential Challenges

Need Medicare approval for new structure
Medicare approval requires application and lengthy review period
Other insurance companies will not pay higher fee schedule until approved by Medicare
Can't realistically predict for FY 06 budget

Staff Proposal

Council adopt proposed higher rates as part of FY 06 budget process

- Basic life support transport : \$735
- Advanced life support transport, level 1: \$475
- Advanced life support transport, level 2: \$575
- Mileage charge: \$8.00 per mile driven in transport

Council adopt ordinance outlying intent to accept current general fund tax dollars supporting Fire & EMS Division as fully satisfying any resident responsibility for co-payments and/or deductibles

- Eliminating subscription program

Not change the EMS Recovery revenue projections
Any amount over the FY 06 revenue projection will be set aside in designated account for subsequent appropriation by Council for specific one-time purchases
Staff will come back to Council for specific appropriates – available for use in FY 06

- Priorities – replacement ambulances purchases, fireboats and other EMS related equipment.

During FY 07 budget development, add increased revenue to adopted FY07 recurring projections

At that time additional funds will be available for use on:

- Additional operational expenses associated with routine ambulance maintenance and depreciation
- Additional personnel positions
- Appropriate competitive wage adjustments and/or supplements for specialty skills such as paramedics

Benefits of Proposal

Create revenue source to fund capital needs as well as long-term staffing and compensation issues

- FY06 funds: ambulance replacement needs
- FY07 and subsequent funds

Without impact to the Hampton resident

- Relief provided to households already paying subscription fee or co-payments for current service

Potential Negatives to Proposal

Non-Hampton residents will have higher co-payment responsibilities

Initial public perception could be negative if proper marketing and education is not done

- Critical that individuals fully understand that higher charge only impacts insurance companies

Mr. Floyd Gibbs, 766 Bellwood Road, spoke in opposition to the ordinance stating that the ground transportation mileage is ambiguous.

On motion of Councilman Tignor, seconded by Councilman Turner Spencer, that the above-titled ordinance to amend and re-enact Article 1, Chapter 14, of the Code of the City of Hampton, Virginia, entitled "Fire Prevention and Protection," Section 14-10, "Service Fees for Emergency Ambulance Transport" to increase service fees, impose ground transportation mileage fee, and provide for waiver of insurance co-payments, be approved on first reading.

A roll call vote on the motion resulted as follows:

Ayes: Gilliland, Leary, Sapp, JSpencer, TSpencer, Tignor, Kearney

Nays: 0

* * *

05-0256: Appeal of Denial of Taxicab Driver's Permit

At a public hearing in consideration of an appeal by Swanitta Rosa Gilmore of denial of a taxicab driver's permit.

The Interim City Manager stated that the Police Division, acting on behalf of the City Manager, denied Ms. Gilmore's application for a taxicab driver's permit. Ms. Gilmore has

appealed that decision and the Council is required to afford Ms. Gilmore a public hearing at a regular meeting of Council.

Ms. Swanitta Rosa Gilmore, 4249 East Little Creek Road, Norfolk 23518 stated that she is appealing the denial and that in 2001 she was charged with driving while suspended. The City Attorney stated that the Police Division reviewed her request and felt that the criminal charge of which she was found guilty was serious enough that she should be denied the ability to have a taxicab driver's permit and it is his position that the Police Division's decision should be upheld.

Ms. Judy Swystun, 12 S. Armistead Avenue, spoke on behalf of the Yellow Cab Company stating that this was the second appeal in twenty years and they appreciate the cross-checking system the Police Division has in place and supports their position in denying the taxicab driver's permit.

Councilman Tignor stated that he would like the City Attorney to research the practices of other localities involving statute of limitations.

On motion of Councilman Gilliland, seconded by Councilman Tignor, that the recommendation by the Police Division to deny an application by Ms. Swanitta Gilmore for a taxicab driver's permit be upheld, thereby denying the application.

A roll call vote on the motion resulted as follows:

Ayes: Gilliland, Leary, Sapp, JSpencer, TSpencer, Tignor, Kearney

Nays: 0

* * *

05-0198: Resolution – Conveyance of Property in Buckroe

In consideration of the following resolution:

RESOLUTION AUTHORIZING THE CONVEYANCE OF PROPERTY IN BUCKROE BY THE CITY OF HAMPTON TO THE HAMPTON REDEVELOPMENT AND HOUSING AUTHORITY.

WHEREAS, the City of Hampton ("City") owns two (2) parcels of land in the Buckroe Beach area of the City of Hampton, Virginia which it desires to transfer to the Hampton Redevelopment and Housing Authority ("HRHA");

WHEREAS, these sites are generally described as follows:

1. A parcel of land containing approximately 4.5 acres \pm and located on East Pembroke Avenue and South 2nd Street and shown as Parcel 22 on a drawing, entitled, "Parcel 22 to be Conveyed to Hampton Redevelopment & Housing Authority."
2. A parcel of land containing approximately 4.4 acres \pm and located at 2721 East Pembroke Avenue and shown as Parcel 29 on a drawing entitled, "Parcel 29 to be Conveyed to Hampton Redevelopment & Housing Authority"; and

WHEREAS, consistent with its prior action and in accordance with the 2005 Buckroe Master Plan, the City desires to transfer title to the two parcels generally described above to the HRHA.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Hampton, Virginia, as follows:

1. That it approves the transfer to the HRHA of the two parcels of land located in the City of Hampton in the Buckroe Beach area and generally described above in accordance with the March 2005 Buckroe Master Plan; and

2. That the Mayor and Clerk be and are authorized to execute and deliver to the HRHA any and all necessary legal documents to effectuate the transfer; such documents shall include, but not be limited to, contracts, deeds, releases for sale and transfer, and conveyance of the two parcels generally described above in the Buckroe Beach area of the City of Hampton, which parcels may be more specifically described by a survey prepared by the City Engineering Office;

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Council of the City of Hampton that the documents necessary to effectuate the transfer of the above described parcels, including, but not limited to, contracts, deeds, releases for sale and transfer, and conveyance of the above two parcels generally described above shall be in a form that shall substantially comply with the terms of this resolution of transfer, the terms of which are hereby approved with such completions, omissions, insertions and changes that may be approved by the Officers executing said documents; that the Officers' execution of such documents shall constitute conclusive evidence of the Officers' approval of such completion, omission, insertion and change.

On motion of Councilman Gilliland, seconded by Councilman Turner Spencer, that the above-titled resolution, conveying property in Buckroe to the Hampton Redevelopment and Housing Authority, be approved.

A roll call vote on the motion resulted as follows:

Ayes: Gilliland, Sapp, JSpencer, TSpencer, Tignor, Kearney

Nays: Leary

* * *

05-0258: Resolution – Office Lease Between the IDA and RPG Hampton

In consideration of the following resolution:

RESOLUTION APPROVING THE TERMS OF AN AMENDED OFFICE LEASE BETWEEN THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF HAMPTON AND RPG HAMPTON I, LLC, AN AMENDED SUBLEASE BETWEEN THE IDA AND THE NATIONAL INSTITUTE OF AEROSPACE ASSOCIATES, AND AN AMENDED COOPERATION AGREEMENT BETWEEN THE CITY AND THE IDA PERTAINING TO THE AMENDED OFFICE LEASE AND AMENDED SUBLEASE, AND AUTHORIZING THE EXECUTION OF THE AMENDED COOPERATION AGREEMENT.

WHEREAS, on August 13, 2003, the City of Hampton ("City") entered into a Cooperation Agreement with the Industrial Development Authority of the City of Hampton ("IDA") to provide, subject to appropriation, any funds needed by the IDA in excess of funds provided by the National Institute of Aerospace Associates ("NIA"), to meet the obligations of the IDA under its Office Lease with RPG Hampton I, LLC ("RPG") dated July 1, 2004 ("the "Office Lease");

WHEREAS, the IDA will agree to lease an additional 9,537 rentable square feet (the "Additional Premises") under such terms and conditions as set forth in a First Amendment to Office Lease between the IDA and RPG (the "Amended Office Lease") attached hereto, subject to the approval of City Council and provided that the City will enter into a First Amendment to Cooperation Agreement (the "Amended Cooperation Agreement") to meet the obligations of the IDA for the Additional Premises under the Amended Office Lease;

WHEREAS, subject to the approval of City Council, the IDA will enter into a First Amendment to Office Sublease with the NIA (the "Amended Sublease") as attached hereto, to sublease the Additional Premises to NIA;

WHEREAS, the City has determined that the terms of the Amended Office Lease, the Amended Sublease, and the Amended Cooperation Agreement are acceptable and that considerable public benefit to the City and its citizens will accrue from the leasing of the Additional Premises; and

WHEREAS, consistent with its prior action, the City desires to enter into an amended Cooperation Agreement with the IDA to provide any funds needed by the IDA in excess of funds provided by NIA, to meet the obligations of the IDA for the Additional Premises, subject to appropriation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Hampton, Virginia, as follows:

1. That it approves the terms of the Amended Office Lease, the Amended Sublease, and the Amended Cooperation Agreement attached hereto; and
2. That the City Manager or his Authorized Designee is authorized to execute and deliver to the IDA the Amended Cooperation Agreement attached to this resolution.

On motion of Councilman Gilliland, seconded by Councilman Turner Spencer, that the above resolution to approve the terms of an amended office lease between the Industrial Development Authority of the City of Hampton and RPG Hampton I, LLC, an amended sublease between the IDA and the National Institute of Aerospace Associates, and an amended cooperation agreement between the City and the IDA pertaining to the amended office lease and amended sublease, and authorizing the execution of the amended cooperation agreement be approved.

A roll call vote on the motion resulted as follows:

Ayes: Gilliland, Leary, Sapp, JSpencer, TSpencer, Tignor, Kearney

Nays: 0

* * *

05-0259: Appointments – Hampton Clean City Commission

On motion of Councilman Tignor, seconded by Councilwoman Leary, that Mr. Don Bartlett be appointed to the Hampton Clean City Commission to replace Mr. Jim Williams, who resigned effective March 29, 2005.

A roll call vote on the motion resulted as follows:

Ayes: Gilliland, Leary, Sapp, JSpencer, TSpencer, Tignor, Kearney

Nays: 0

* * *

05-0260: Public Hearing – CDBG

At a public hearing to obtain the views of citizens and review the 2005-2010 Consolidated Plan for Housing and community Development, which includes the fiscal year 2005-2006 Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) program budgets and a Neighborhood Revitalization Strategy Area Plan for the Olde Hampton Neighborhood.

Ms. Angelique Lenoir, Neighborhood Grant Manager for the Neighborhood Office, explained to Council that in order to receive its annual entitlement grants under the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Programs, the City of Hampton must prepare and submit a five-year consolidated plan to the Department of Housing and Urban Development for approval. The Consolidated Plan for Housing and Community Development sets the policy direction for housing and community development in Hampton. It provides a way for citizens to help define the City's priorities for addressing housing, community development, homelessness and economic development needs.

The Consolidated Plan also must include the City's final statement of community development objectives, projected use of funds and required certifications. The 2005-2010 Consolidated Plan for Housing and Community Development was endorsed by the Planning Commission as consistent with the 2010 Comprehensive Plan. The plan was also endorsed by the Hampton Neighborhood Commission as consistent with the principles of the Hampton Neighborhood Initiative. There were no speakers at either of these public meetings.

The City's CDBG and HOME allocations for 2005-2006 total \$2,002,373 (\$1,258,790 CDBG and \$743,583 HOME). The City's proposed 2005-2006 CDBG and HOME budgets are essentially a continuation of existing activities with the following highlights:

CDBG

FY 2005-2006 CDBG allocation is \$71,210 less than last year.

Two new applications for funding were received; however, staff has identified other potential funding sources for those applications.

HOME

FY 2004-2005 HOME allocation is \$41,595 more than last year
The City did not meet the threshold to receive American Dream Downpayment Initiative funding.

The Consolidated Plan for Housing and Community Development was available at all Public Libraries and City Hall for a 30-day public review and comment period from April 1, 2005 to May 1, 2005.

In response to Mayor Kearney's question, Ms. Lenoir stated that people wanting to apply for these programs can contact LaDonna Cruise, Loan Specialist for the Hampton Redevelopment and Housing Authority.

No one appeared before Council to speak in opposition.

* * *

05-0261: Public Hearing - FY 2006 Budget

At a public hearing to receive citizens' comments relative to the Fiscal Year 2006 General Fund, Capital, Solid Waste Management, Stormwater Management, Wastewater Management, E-911, EXCEL, The Hampton's, Economic Development and Hampton Roads Convention Center budgets.

The Interim City Manager stated that the Manager's recommended budget for FY2006 is \$376,112,474 for a 6.34% increase over FY05. The School portion of this budget is \$185 million or a 5.87% increase over FY05. In this budget there is a real estate tax decrease from \$1.25 per \$100 of assessed value to \$1.23 per \$100 of assessed value. Also included is an aggressive change in our elderly tax relief program, enacting a tax freeze component and elderly residents within incomes of \$50,000 or less and a net worth, less than \$200,000 (excluding home value of \$175,000 or less) will be immune from the affects of the rising real estates assessments. This initiative is estimated to cost the City over \$500,000 in tax revenues.

The projected FY06 revenues include an average of 20% growth in assessment which is attributed to general economic conditions such as low interest rate and the combined increase of over 6% in sales and meal tax receipts, which we attribute to our aggressive retail and entertainment initiatives. Tax relief proposals could have been bolder if it were not for major expense increases as a result of state actions. For the first time in many years the E-911 fund will require over \$500,000 of general fund tax dollar support and this is due to the wireless communication which we do not have the ability to tax, although we handle a tremendous number of wireless calls on 911.

School construction and maintenance have been inadequately funded by the state which have been documented by the State's own studies and this Council has responsibly funded those needs and in doing so it has incurred higher cost in the way of debt service. Along with these mandated increases, there were selected areas of major local investment that demanded continued attention from staff and Council. This budget funds needs such as Police Officers, new Fire and Emergency Medical Commanders, competitive pay adjustments for both public safety and general work force, and continued investment in our redevelopment plan implementations.

Ms. Chris Snead, Director of Budget and Management Analysis, presented the following information to Council:

- FY06 Budget totals \$76,112,474, a 6.34% increase over FY05
- Schools Budget totals \$184,998,745, a 5.78% increase over FY05
- Local contribution to Schools increased by \$4.2 million or 7.47%
- Real Estate tax rate reduction of 2-cents from \$1.25/100 to \$1.23/100
- Real Estate tax freeze program for the elderly being proposed
- All other general fund tax rates remain same as FY05

Total growth in revenues excluding revenues for Schools is 7.8%

- Real Estate taxes increase \$15.1million based on a 20.10% overall assessment increase.
- Personal Property taxes are expected to decline slightly (\$196,546) or .65%
- Sales and meals taxes continue upward trend of 5.9% due to economic development initiatives
- Lodging taxes increase by 8.5%
- Business License taxes up a modest 2.3%
- Earnings of investments have begun to rise – up 2% due to increase in short-term interest rates
- All other local revenues expected to have modest growth or a slight decrease resulting in an overall decline of .6%.

State revenues include an increase in 599 funds of \$349,936 and street and highway maintenance funds of \$345,222.

Also include increase in Human Services – Social Services and increase to cover some of the State costs for Constitutional officers.

Budget had net new revenue growth before Schools and Transfers of \$20.2 Million

FY06 Compensation Package

- Competitive Pay increase of 8% up to \$2,500 for all PFT sworn police and fire officers
- Competitive Pay increase of 2% up to \$1,000 for all PFT general workforce employees
- Merit increases of 0%-2%-3%-4%-5%
- City pay its proportionate share of 5% health insurance increase
- Continuation of longevity and sustained performance programs

Capital Budget totals of \$9.8 million and is considered a maintenance level budget that includes

- Street resurfacing program
- Building maintenance
- Parks and Recreation maintenance
- Blighted property acquisition and demolition
- Fire station generators
- Stormwater projects
- Strategic property acquisition
- Copeland Industrial Park improvements
- Federal reimbursed road construction projects

In summary:

- Budget maintains exemplary core services and accomplishes all of Council's strategic interests and goals
- Balanced and fiscally responsible
- Invests in the protection and continued enhancement of our City's families, neighborhoods, business sector while at the same time provides some tax relief through a reduced real estate tax rate for all real property owners as well as a tax freeze program for the elderly and disabled.

Mr. William E. Webster, 201 Greenbriar Avenue, spoke in opposition of the tax assessment; and in response to his questions, Mayor Kearney stated that the City is required by State law to assess property at 100% value every year, taxes are based on the assessed value and the appraisal is the market value.

Mr. Todd Welbrock, 825 Sheffield Street, General Manager of Courtyard Marriott addressed Council on behalf of the Hampton Tourism Advisory Committee and reviewed a slide presentation showing:

- 1) HRCC Overall Total Booking performance for overnight room nights
- 2) Total Event Days Booked
- 3) Total Hampton Room Nights Booked
- 4) Total economic impact of future bookings at the HRCC are \$71 million

Mr. Welbrock stated that the HRCC image is providing the momentum for new investments in Hampton such as the Texas Steakhouse, Cracker Barrel, McFaddens, Bass Pro and Embassy suites.

Mr. Tony Soltys, 3737 Chesapeake Avenue, addressed Council on behalf of the Hampton-Newport News Community Services Board and thanked Council for assisting the CSB in maintaining the level of services to the citizens of Hampton.

Mr. C. A. Brown, Jr., 1813 Burton Street, stated that reducing the tax rate from \$1.25 to \$1.23 per \$100 assessed value is not a fair consideration for the large increase in assessment, and he hoped that Council would further reduce the tax rate to offset the increase.

Mr. William S. Wren, 44 Salem Street, addressed Council representing 30 to 38 golfers ranging in age 65 to 87 years old and expressed concern about eliminating the senior cart fee and requiring them to pay the same fee that other golfers are required to pay.

Mr. Gregory Williams, 54 Bayfront, commended Council for the 2 cent reduction as well as the exemption for the elderly. Mr. Williams stated that his tax payments have increased 20% each year for the last 5 years and he knows that the assessment is out of your control, but the tax rate is within the City's control, and he recommended that Council continue to aggressively pursue fiscal budget restraint and reductions, as well as those funds that are due to the City from both the state and federal government.

Mr. Floyd Gibbs, 766 Bellwood Road, addressed Council concerning revenue stream, specifically the tax on cell phones, and Mayor Kearney explained that the state does not permit localities to tax cell phones.

Councilman Tignor presented to Council information regarding Local Aid to the State.

Funds provided to support essential services, provided above that required by state funding formulas.

Why care?

Services we all need: schools, courts, and other constitutional offices

State tells us what percentage they and we are supposed to pay

If State doesn't pay their share, we can either let it fail our citizens or use your money to make it work!

An Example –

Under State policy, State should be paying **all** of the operating costs of the **Clerk of Courts**

- Office records deeds, deeds of trust, and all other legal documents that affect our lives
- Requires over one million dollars to run the office, but the State only pays 2/3 of that cost
- The City of Hampton pays the extra 1/3, because if we don't, that essential service will fail
- That costs our homeowners a half cent per hundred on their property taxes

What does it cost?

Clerk of Courts	\$ 345,318
Sheriff & Jail	\$ 3,698,218
Treasurer	413,963
Commissioner of Revenue	385,002
Commonwealth's Atty	477,411
Schools	\$32,749,851

And all that means?

Your local taxes pay for \$38 million more than they should
That \$38 million is equivalent to between 1/3 to 1/2 of our real estate taxes
These days it is popular among State politicians in both parties to say they are going to cap real estate tax increases
If the State would pay its fair share, we could lower taxes, not just cap increases.

Councilman Tignor concluded his presentation stating that this Fall when State politicians tell you how they are going to cap local taxes, tell them to pay their fair share and we can reduce, not just cap local taxes.

Mayor Kearney thanked Councilman Tignor for the presentation and asked that he present the same presentation at the next Council meeting.

Celestine Carter, 1108 Mary Peake Boulevard, expressed her concerns about the racial climate in the City of Hampton and encouraged Council to increase the budget for the Citizens Unity Commission. Ms. Snead stated that \$171,350 budgeted for the Citizens Unity Commission does not represent a decrease for this year.

* * *

05-0262: Public Hearing – FY 2006 Real Estate Property Tax

At a public hearing to receive citizens' comments relative to a proposed decrease in the Real Estate Property Tax from \$1.25 per \$100 assessed value to \$1.23 per \$100 assessed value in fiscal year 2006.

Speakers were heard during the public hearing for the FY06 Budget.

* * *

05-0263: Golf Course Fees

Public hearing to receive citizens' comments relative to the increase/decrease in the Hamptons and Woodlands Golf Course Green Fees, Cart Fees, and Club Rentals.

Speakers were heard during the public hearing for the FY06 Budget.

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Audiences Granted to the General Public

Ms. Carmen Taylor, 19 Janet Drive, stated that on April 22, the Hampton Branch of the NAACP, along with the Youth Chapter from the Hampton University Chapter, held a candlelight prayer vigil, and she shared comments with the Council in reference to racial tension in the City of Hampton.

Ms. Candace Jackson, 2106 West Avenue, Apt. 203, Newport News, a Junior Political Science Major at Hampton University and President of the Hampton Chapter of the NAACP,

addressed Council concerning unified efforts to be the best city and to support those who lead the City of Hampton, keeping in mind to uplift our leadership in reaching our goals.

The following people spoke in opposition to the Bayfront Initiative of the 2005 Buckroe Master Plan: Ms. Sandra Canepa, 3 Markham Drive, stated that this is the third time she has addressed Council in opposition to the Bayfront Initiative; Ms. Phyllis Flanders, 13 Ranalet Drive, stated that the number of Hampton citizens who have signed the petition to keep the green space green at Buckroe Beach is currently 3,008; Ms. Trish Ferraro, 602 Tappan Avenue, expressed her concerns and asked that Council ensure that all citizens are properly informed and the Plan is supported by the majority of the citizens decisions regarding the Buckroe Bayfront Initiative portion of the 2005 Buckroe Master Plan. Ms. Cecile Trevathan, 313 Richmond Avenue, stated that as a property owner and the parent of a Kindergartener, it is conceivable that she would gain through the Bayfront Initiative with the increasing property values and the new elementary school being built; however she stated the she is not willing to realize these gains at the expense of the only remaining green space at Buckroe Beach.

Mr. Frank Ottafaro, 63 Wheatland Drive addressed Council regarding property at 311 Pine Chapel Road and requested a letter from City Council within two weeks.

Councilman Turner Spencer stated that Councilman Tignor's presentation should be repeated again and also talk about revenue sources and who controls them.

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Adjournment :

There being no further business to come before the Council, the meeting was adjourned at 10:00 p.m.

Ross A. Kearney, II
Mayor

Katherine K. Glass
Clerk of Council

Dated approved by Council _____